

February 13, 2013

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: *Ex Parte* Presentation of CTIA—The Wireless Association®
WT Docket No. 10-4**

Dear Ms. Dortch:

CTIA—The Wireless Association® (“CTIA”) hereby expresses support for an item concerning third-party signal boosters that relies upon carrier consent to well-designed devices that will not interfere with commercial or public safety wireless networks. In 2007, CTIA initiated efforts to ensure that signal boosters were properly designed to protect wireless and public safety networks through its filing of a petition for declaratory ruling.¹ CTIA is encouraged that the Commission is completing efforts on a framework for signal boosters that will assure commercial wireless and public safety providers that their underlying networks are protected from interference from poorly developed devices that have presented a variety of interference events over the past several years.

CTIA notes its support for a regulatory framework for signal boosters that incorporates several foundational benchmarks: (1) commercial wireless providers must consent to the use of signal boosters on their networks prior to their operation; (2) the Commission must provide a consumer advisory explaining the technical and procedural framework; (3) the Commission must ensure adequate enforcement of these guidelines; (4) any compliance timeframe should be short, *i.e.*, no longer than six months, to ensure that a further proliferation of non-compliant devices in the marketplace does not occur; and (5) the Commission should apply this regulatory framework to new bands as they are identified and allocated for use. The Commission should ensure that each of these fundamental principles are clearly defined and provided for in its regulatory framework for signal boosters. With this understanding, CTIA believes that the wireless industry will be in a position to support the deployment of compliant signal boosters.

¹ See *Petition for Declaratory Ruling of CTIA—The Wireless Association®*, WT Docket No. 10-4, filed Nov. 2, 2007 (“CTIA Petition”). CTIA also filed a White Paper with the Commission in 2006 that documented the issues surrounding the use of impermissible signal boosters. See CTIA—The Wireless Association®, White Paper on Wireless Repeaters (filed with the Commission, May 1, 2006).

Licensee Consent. As CTIA has noted in various pleadings,² the Commission's rules are clear that operation of signal boosters without a license or FCC licensee consent is impermissible. Section 301 of the Communications Act requires all transmitting equipment operating on licensed spectrum to be licensed by the Commission.³ Commission precedent consistently has found that signal boosters may only be operated and/or authorized by licensees. In 2005, the Commission took the opportunity "to clarify that under our current policies, [boosters] may only be operated by a licensee or pursuant to the licensee's permission and control, unless they fall under the power limits for unlicensed devices under our Part 15 rules."⁴ Moreover, in adopting open access requirements in the 700 MHz band, the Commission noted that "a provider could exclude devices such as signal boosters and repeaters to the extent they are inconsistent with the technical or operational parameters of the network," further recognizing the need for licensee control of devices operating in their spectrum.⁵ Finally, Enforcement Bureau field offices have issued numerous warnings and notices directed at unauthorized operators of signal boosters.⁶ CTIA submits that the Commission, in developing its signal booster regulatory framework, must consistently apply the requirement that licensee consent be obtained prior to any operation of a signal booster device.

Consumer Advisory. For the past decade, manufacturers of signal boosters have marketed and sold these devices without properly informing consumers of the need to work with affected licensees prior to operating devices. Any signal booster framework must contain a requirement that the Commission issue a Consumer Advisory that informs the public that signal boosters may not be operated without the consent of underlying FCC licensee and that signal boosters must cease operation if found to cause harmful interference. Creating and publicizing such an advisory would be similar to the Commission's process when it clarified the regulatory framework governing wireless microphones used in the 700 MHz band.⁷ CTIA urges the Commission to develop and publish a similar advisory to the public concerning signal boosters.

² See e.g., CTIA Petition at 11-12; Comments of CTIA—The Wireless Association®, WT Docket No. 10-4, filed July 25, 2011 at 5-12.

³ 47 U.S.C. §301 ("No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio...except under an in accordance with this Act and with a license in that behalf granted under the provisions of this Act.").

⁴ See *Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Services*, Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 4403, ¶ 133 (2005).

⁵ See *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289, n. 503 (2007).

⁶ See e.g., Notice of Unlicensed Operation, Case No. EB-08-NF-0029 (Aug. 20, 2008) (stating that "[o]peration of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended"); Notice of Unlicensed Operation, Case No. EB-08-LA-0295 (Oct. 24, 2008) (same); Notice of Unlicensed Operation, Case No. EB-09-MA-0195 (Dec. 3, 2009) (same, and noting that "unlicensed operation creates a danger of interference to important radio communications services"); Warning Notice, Case No. EB-08-MA-0201 (Nov. 17, 2008) (same); Warning Notice, Case No. EB-08-MA-0198 (Nov. 20, 2008) (same).

⁷ See <http://www.fcc.gov/guides/wireless-microphones-700-mhz-band-prohibition-after-june-12-2010> (last visited Feb. 11, 2013).

Regulatory Enforcement. The proliferation of poorly made signal boosters in the marketplace highlights the need for strong enforcement of any regulatory framework. CTIA believes that any Commission decision must note clearly that if a “compliant” signal booster causes interference to any licensed provider, the provider has the ability to immediately withdraw consent from that device and the devices’ operations must end. Additionally, CTIA would note that the Commission should make clear its intention to enforce its new regulatory framework, especially with respect to devices that are used without licensee consent.

Timing For Full Compliance. CTIA understands that the Commission intends to allow signal booster manufacturers a period of time to come into compliance with the new technical requirements adopted. CTIA urges the Commission to set a timeframe that is only as long as necessary to enable compliance, *i.e.*, no longer than six months, to guard against an excess supply of non-compliant devices in the marketplace. None of these non-compliant devices will have the labeling required by the regulatory framework to be imposed by the Commission that notes clearly the requirement for licensee consent prior to operation of a signal booster. Establishing greater time to flood non-compliant devices into the market clearly contravenes the public interest.

New Spectrum Bands. The Commission should be cognizant of the fact that additional spectrum bands are being reallocated and deployed and should be considered as part of any signal booster regulatory framework. The Commission should have an expedient means to apply this regulatory framework to any new bands as they are made available for licensing or become appropriate for signal booster use. Moreover, as technologies continue to rapidly evolve in the wireless ecosystem, the Commission should plan to revisit its rules in this proceeding to incorporate relevant technological improvements to consumers’ benefit.

With the adoption of these necessary and appropriate safeguards, CTIA believes that the regulatory framework for signal boosters under consideration by the Commission will lead to the development of more robust and protective signal boosters while not undermining the operations of wireless providers and public safety users.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission’s Rules. Should you have any questions regarding this letter, please contact the undersigned.

Sincerely,

/s/ *Brian M. Josef*

Brian M. Josef
Assistant Vice President – Regulatory Affairs
CTIA-The Wireless Association®